

EXHIBIT A



1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF ALABAMA,
3 SOUTHERN DIVISION

4
5 CIVIL ACTION NO. 2:05-cv-527-F

6
7 GERALD RUHNOW, CONNIE RUHNOW,
8 Plaintiffs,

9 vs.

10 LANE HEARD TRUCKING, LLC,
11 et al.,

12 Defendants.

13 DEPOSITION
14 OF
15 MARILYN JO HEARD
16 April 21, 2006
17

18
19 Taken before:

20 Michael L. Lowery
21 Certified Shorthand Reporter
22 and Notary Public
23

EXHIBIT

A

COPY



1 EXAMINATION BY MR. SPARROW:

2 Q. Will you state your name for
3 the record, please, ma'am?

4 A. Marilyn Jo Heard.

5 Q. And this is your husband Lane
6 down the table from you?

7 A. Yes, sir.

8 Q. Where do y'all live?

9 A. New Albany, Mississippi.

10 Q. Where is that, in north
11 Mississippi?

12 A. (Deponent nods head.)

13 Q. It's my understanding,
14 Mrs. Heard, that you and your husband
15 own Lane Heard Trucking?

16 A. Yes, sir.

17 Q. Is that what it's called, Lane
18 Heard Trucking?

19 A. LLC.

20 Q. And are there any other
21 principals other than yourself and your
22 husband?

23 A. No, sir.



1 Q. And how long have y'all been in
2 the trucking business?

3 A. Fifteen years.

4 Q. Has it all been through Lane
5 Heard Trucking?

6 A. Yes, sir.

7 Q. Prior to beginning this
8 business, did you have any experience in
9 the trucking industry?

10 A. No, sir.

11 Q. How about your husband?

12 A. Yes, sir.

13 Q. And we're going to take his
14 deposition, so I'll ask him if it's of
15 any real importance. But what is your
16 -- what do you do at the company?

17 A. Bookkeeping.

18 Q. Tell me what kind of trucking
19 business Lane Heard is.

20 A. We haul new furniture.

21 Q. Is that -- are you basically
22 dedicated to hauling new furniture?

23 A. Yes. That's it.



1 Q. That's what you do?

2 A. Yes, sir.

3 Q. From where to where?

4 A. New Albany to City Furniture,
5 which is in Tamarac.

6 Q. And where is Tamarac?

7 A. Miami.

8 Q. Is there a manufacturing plant
9 in or around New Albany?

10 A. Yes, sir.

11 Q. And what's the company?

12 A. Kevin Charles Furniture.

13 Q. And when you -- Lane Heard has
14 some contractual relationship with the
15 furniture company to haul or transport
16 its product?

17 A. Just verbal.

18 Q. And was that the case fifteen
19 years ago when you started the company?

20 A. No, sir.

21 Q. What were y'all doing when you
22 first started the company?

23 A. He was driving, just getting



1 the loads from Hillcraft Furniture in
2 New Albany.

3 Q. He, your husband?

4 A. Lane Heard.

5 Q. And it built from there into a
6 relationship with this company that you
7 work with now?

8 A. Yes, sir.

9 Q. How many trucks do you have
10 today?

11 A. Six.

12 Q. As you know, Mrs. Heard, we're
13 here about a wreck that occurred in
14 Alabama on Highway 231 on March the 7th
15 of 2005.

16 A. Yes, sir.

17 Q. At that time, Mrs. Heard, how
18 many trucks did y'all have in operation?

19 A. Five.

20 Q. And how many drivers did you
21 employ at that time?

22 A. Four, four, and then my husband
23 was the fifth one.



1 A. Yes, sir, it could have been.
2 I don't know him. My husband may. But
3 I don't know. But that does sound
4 correct.

5 Q. When you talked to whoever it
6 was that called, did they indicate to
7 you that they had any information or
8 familiarity with Mr. Duke's abilities as
9 a truck driver?

10 A. Yes, sir.

11 Q. And what did they tell you
12 about that?

13 A. Hard worker, good truck driver,
14 been driving all his life.

15 MR. SPARROW: Off the record.

16 (Off-the-record discussion.)

17 Q. Mrs. Heard, in setting up this
18 deposition, we sent a notice of the
19 deposition. Have you seen that?

20 A. Yes, sir.

21 Q. That had attached to it a list
22 of things to be brought with you to the
23 deposition.



1 as Plaintiff's Exhibit 1 to your
2 deposition. And it appears to be two
3 pages.

4 And you can tell me if they
5 should go together or if -- never mind.
6 It's just one page. Let me ask you if
7 you can identify that for me, please?

8 (Whereupon, Plaintiff's
9 Exhibit 1 was marked
10 for identification.)

11 A. (Reviewing document.) Yes,
12 sir.

13 Q. Is that a copy of the
14 application put in by Michael Duke?

15 A. Yes, sir.

16 Q. For employment at your company?

17 A. Yes, sir.

18 Q. It appears that he applied or
19 filled out that application in October
20 of '04?

21 A. Yes, sir.

22 Q. And you are the one he would
23 have given it to, right?



1 A. No.

2 Q. Had Lane Heard Trucking
3 Company, L.L.C. provided any specific
4 training or instruction to Mr. Duke?

5 A. The road test.

6 Q. Other than the road test.

7 A. No.

8 Q. Are you aware whether or not
9 Mr. Duke was taking any prescription or
10 nonprescription medication or drugs?

11 A. Not to my knowledge.

12 Q. You don't really know what
13 happened out on the highway, do you?

14 A. No.

15 Q. And as I understand your
16 answer, you really haven't had any
17 discussion with anybody who has
18 indicated to you that they saw the wreck
19 or anything of that nature?

20 A. Correct.

21 Q. Was anything salvageable from
22 that truck, your truck?

23 A. Explain the question, please.



1 Q. Yes, you did not know?

2 A. No, I did know.

3 Q. How did you know that?

4 A. Word of mouth, friend. It must
5 have been Mr. Conley, Conwill, Shorty.

6 Q. What did Shorty tell you about
7 Mr. Duke's work history?

8 A. That he needed a job and that
9 he -- first that's what he said, that he
10 needed a job and that he drove a truck
11 on and off all his life and he would
12 make a good truck driver.

13 Q. Had Shorty ever employed
14 Mr. Duke?

15 A. Not for sure about that.

16 Q. Did you ever learn the name of
17 any person that you know employed
18 Mr. Duke for over-the-road driving?

19 A. No.

20 Q. And so you didn't have any idea
21 about his past driving history when you
22 hired him, did you?

23 MS. HAMMETT: Object to the